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Docket No.: 198249US2CONT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

ATTORNEYS AT LAW

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RE: Application Serial No.: 09/689,696  
Applicants: Masako NUKAGA, et al.  
Filing Date: October 13, 2000  
For: METHOD OF CONTROLLING  
INTERMODULATION DISTORTION OF NON-  
RECIPROCAL DEVICE  
Group Art Unit: 2617  
Examiner: Jones, S.

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Technology Center 2600

SIR:

Attached hereto for filing are the following papers:

**PROVISIONAL ELECTION**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Eckhard H. Kuesters

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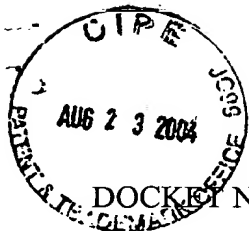
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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
MASAKO NUKAGA ET AL : EXAMINER: JONES, S.  
SERIAL NO: 09/689,696 :  
FILED: OCTOBER 13, 2000 : GROUP ART UNIT: 2817  
FOR: METHOD OF CONTROLLING :  
INTERMODULATION DISTORTION OF  
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PROVISIONAL ELECTION

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SIR:

In response to the election requirement dated July 23, 2004, Applicants provisionally elect with traverse Group II, Claims 17-38, drawn to ferromagnetic material compositions, classified in class 252, subclass 62.6, for further examination on the merits. Applicants further elect Species K, Claims 22, 23, 30 and 34-38. Applicants reserve the right to file one or more divisional applications directed to the non-elected invention.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct inventions, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action identifies different search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may

be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-39 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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